

By: Kuempel

H.B. No. 1736

A BILL TO BE ENTITLED

AN ACT

relating to the authority of municipalities to adopt zoning regulations for impervious cover and floor to area ratio on lots.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 211.003(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality may regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) only one of the following:

(A) the percentage of a lot that may be occupied;

(B) the amount of impervious cover allowed on a lot; or

(C) the limits on the floor to area ratio of the lot;

(3) the size of yards, courts, and other open spaces;

(4) population density;

(5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

(6) the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section 13.002, Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to

1 human health.

2 (c) Except as provided by Subsection (a)(2), the ~~[The]~~  
3 governing body of a home-rule municipality may also regulate the  
4 bulk of buildings.

5 SECTION 2. The changes in law made by this Act to Sections  
6 211.003(a) and (c), Local Government Code, apply to any zoning  
7 regulation adopted on or after January 1, 2006.

8 SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2007.